

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

STACY S; and JOHN and :  
MARY ELLEN S., on behalf :  
of their daughter, LEIGH :  
ANN S., a minor, :  
Plaintiffs :  
vs. : Civil Action No. 04-150E  
GIRARD SCHOOL DISTRICT; :  
ROBERT SNYDER, : HONORABLE SEAN J. MCLAUGHLIN  
Individually and in his :  
capacity as Principal of :  
the Rice Avenue Middle :  
School; and GREGORY :  
YARBENET, a professional :  
employee of the Girard :  
School District, :  
Defendants : Jury Trial Demanded

Deposition of CYNTHIA SCOTT, taken before and  
by Carol A. Holdnack, RPR, Notary Public in and for  
the Commonwealth of Pennsylvania, on Tuesday,  
June 28, 2005, commencing at 2:38 p.m., at the  
offices of Knox McLaughlin Gornall & Sennett, P.C.,  
120 West Tenth Street, Erie, PA 16501.

For the Plaintiffs:

Edward A. Olds, Esquire  
1007 Mount Royal Boulevard  
Pittsburgh, PA 15223

For the Defendants Girard School District and Robert Snyder:

Richard A. Lanzillo, Esquire  
Knox McLaughlin Gornall & Sennett, P.C.  
120 West Tenth Street  
Erie, PA 16501

Reported by Carol A. Holdnack, RPR  
Ferguson & Holdnack Reporting, Inc.

D-1

1 know, so I think it was all day.

2 Q. Okay. And do you recall approximately how many  
3 students were on the trip?

4 A. I really don't.

5 Q. Do you recall whether it was just the student  
6 council kids or whether it was other classes or groups?

7 A. I really don't know.

8 Q. ~~Chelsey~~ was on the trip and ~~Stacy~~ was on the trip?

9 A. Um-hum.

10 Q. ~~Stacy~~, of course.

11 A. Um-hum.

12 Q. And do you recall any other students who might  
13 have been on the trip?

14 A. I mean, just -- I know -- I know ~~Chelsey~~ had a  
15 friend, that they actually helped organize the event. And  
16 that was ~~Sarah~~ ~~Hewitt~~.

17 Q. Okay.

18 A. But I don't remember anybody else.

19 Q. Did the bus leave from Rice Avenue Middle School?  
20 Can't recall.

21 A. I think so. I don't know.

22 Q. And that's Pleasant Ridge Manor on Route 20 in  
23 Girard?

24 A. Yes.

25 Q. Now, during that excursion, I understand that you

Case 1:04-cv-00150-SJM Document 32-6

1 observed some interaction between Yarbenet and Ms.   
2 that caused you concern. Could you tell me what that was.

3 A. Well, I can tell you what I remember now. I mean,  
4 it's been six or seven years.

5 Q. I understand.

6 A. I remember now that it -- whatever I saw concerned  
7 me to the point that I felt that I needed to talk to  
8 somebody about it. I felt that their behavior -- his  
9 behavior with her, their behavior together, was not  
10 appropriate for a student and a teacher. A lot of -- like  
11 they sat together on the bus. I kind of kept an eye,  
12 because kind of had a -- you know, a red flag. And so I  
13 kept an eye during the day.

14 I don't really remember any physical touching, you  
15 know. But a lot of closeness in their talking, and almost  
16 like a flirting back and forth, I guess you would say. And  
17 they were together most of the day, that I saw. I mean, I  
18 wasn't with them all day. But whenever I would notice, and  
19 they were -- I just didn't feel it was appropriate behavior.

20 Q. Okay. And I take it you saw them sitting  
21 together -- was it on the bus, or when they arrived, or  
22 both?

23 A. No, it was on the -- now, this is what I remember.  
24 But I remember them -- I don't remember the ride home. It  
25 was the -- it was actually the way there that concerned -- I

1 mean, right off the bat, I noticed something.

2 Q. And do you recall whether they sat together on the  
3 way home?

4 A. I don't.

5 Q. Okay. But what you saw is a student sitting next  
6 to a teacher, that was a red flag. And that prompted you to  
7 watch them more carefully during the day?

8 A. Yeah. It wasn't just that they were sitting in  
9 the same seat. It was more than that.

10 Q. Okay. No, I understand.

11 A. Because, if I remember correctly, the bus was  
12 pretty full. So, I mean, it wouldn't have been unusual for  
13 a teacher to be sitting with a student.

14 Q. Okay. Do you recall anything else about their  
15 interaction that caused you concern, other than they were  
16 sitting together? They seemed, what, too close? Was  
17 that --

18 A. It's hard to explain. It just was not your normal  
19 student/teacher talking interaction. It was more of, like I  
20 said, a flirting-type thing. Just a close -- that was  
21 beyond what it should be.

22 Q. Do you recall any --

23 A. I don't know how to explain it.

24 Q. Do you recall any physical contact at all between  
25 the two?

D-4

1 A. I don't, to be honest with you. I don't remember  
2 any physical touching.

3 Q. Were you able to overhear any of the conversation  
4 between the two?

5 A. No, not that I remember.

6 Q. You had indicated that what you did observe  
7 prompted you to want to discuss it with someone. Did you,  
8 in fact, discuss it with someone?

9 A. Yes, I did.

10 Q. With whom did you discuss the matter?

11 A. Gayla DeMarco.

12 Q. When did you discuss this with Ms. DeMarco?

13 A. During lunch there at Pleasant Ridge.

14 Q. Did you sit together, I take it, at lunch?

15 A. I'm not sure if -- I think we did. But I know I  
16 went up to her, if I didn't sit with her, during the  
17 lunchtime. And I, you know, expressed to her what I had  
18 seen, and that I didn't feel -- I felt something was not  
19 right.

20 Q. What did Ms. DeMarco say in response, if anything?

21 A. She told me that Mr. Yarbenet was a family friend,  
22 and that they knew each other outside of school. And that  
23 he -- you know, so that might explain their closeness, that  
24 they were friends, friends of the family. And that he was  
25 not a traditional teacher. That might not be the exact

1 word, but something to that. That he was very close with  
2 his students. And, you know, I said, I realize that, being  
3 that I had kids that went through there, and I knew that he  
4 was. But I again said to her, I just feel that this is more  
5 than a healthy interaction. And I remember saying, I would  
6 not want one of my daughters to be that friendly with a man  
7 even if it was a family friend.

8 Q. Okay. Do you recall anything else from that  
9 conversation with Ms. DeMarco?

10 A. I really don't.

11 Q. Did you ever have any discussions with  
12 Mrs. [REDACTED] concerning what you had observed that day?

13 A. No, not at that time. She called me -- and this  
14 is -- I'm trying to remember this. Somebody -- and I don't  
15 even remember who -- when all of this came out into the  
16 open, had told her -- I had mentioned it to someone. And I  
17 can't remember now who it even was. But they told her that  
18 I had a concern way back when. And she called me and asked  
19 me if I would be willing to give a statement.

20 Q. Okay.

21 A. And I did, to the police, at that time. But  
22 that's the only time I've ever -- that I remember ever  
23 talking to her.

24 (Scott Deposition Exhibit 1 marked for  
25 identification.)

D-6

1 Q. And I can make a photocopy of this. This is  
2 just -- want to note that. Let me show you what we will  
3 mark as Exhibit 1 to your deposition. And just ask you,  
4 Ms. Scott, is that the statement to which you just referred?

5 A. I don't have my glasses on, but.

6 Q. I have the same problem.

7 MR. OLDS: Do you need us to read?

8 A. No, it's good. That sounds like it.

9 Q. Okay. Do you know approximately when you provided  
10 this statement?

11 A. I really don't.

12 Q. Okay. And to whom did you provide this statement?  
13 Did you give this to Mrs. [REDACTED] or to the police directly?

14 A. No, it was the police officer. But I don't know  
15 who it was.

16 Q. Okay.

17 A. I don't even remember if it was over the phone or  
18 in person. I don't remember.

19 Q. Now, I don't know whether his testimony was  
20 mistaken or -- but let me just ask you, see if this jogs any  
21 recollection. There was some testimony by -- I believe it  
22 was Mr. [REDACTED], that while he was home his wife had gotten  
23 a call. And there were some indication that it might have  
24 been from you. And this is well before the controversy  
25 broke. Do you have any recollection of speaking with

1 Mrs. [REDACTED] on the telephone about anything?

2 A. No, I really don't.

3 Q. Do you know Mrs. [REDACTED] at all?

4 A. No.

5 Q. Okay.

6 A. I mean, I know who she is, but I don't know her at  
7 all. I don't remember ever talking to her. Only the time  
8 when she called me. Maybe I forget. But I doubt that I  
9 would forget that.

10 Q. Okay. Did you ever discuss your feelings or what  
11 you observed on this particular field trip with anyone  
12 associated with the School District other than Ms. DeMarco?

13 A. No, not to my -- I don't remember ever talking to  
14 anybody about her.

15 Q. Okay. What about Bob Snyder; have you ever talked  
16 to Bob Snyder?

17 A. No.

18 Q. Or Greg McClelland? Wally Blucas, the  
19 superintendent?

20 A. Hum-um.

21 MR. OLDS: It's best if you say no, as opposed to  
22 hum-um.

23 A. Okay. She can't write that too good.

24 Q. In response to that litany of names I just threw  
25 at you, was your response -- what was your response to each

D-8



Case 1:04-cv-00150-SJM Document 32-6

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4 MARY ELLEN S., on behalf :  
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10 ROBERT SNYDER, Individually :  
11 and in his capacity as :  
12 Principal of the Rice :  
13 Avenue Middle School; and :  
14 GREGORY YARBENET, a :  
15 professional employee of :  
16 the Girard School :  
17 District, :  
18 Defendant : Jury Trial Demanded

19 Deposition of GAYLA DEMARCO, taken before  
20 and by Sonya Hoffman, Notary Public in and for the  
21 Commonwealth of Pennsylvania on May 26, 2005,  
22 commencing at 10:00 a.m., at the offices of Knox  
23 McLaughlin Gornall & Sennett, P.C., 120 West  
24 Tenth Street, Erie, PA 16507.

25 Reported by Sonya Hoffman  
Ferguson & Holdnack Reporting, Inc.

1 GAYLA DEMARCO, first having  
2 been duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MR. OLDS:

5 Q. Good morning, Ms. DeMarco, how are you?  
6 A. I'm fine. Thank you.  
7 Q. I'm Ed Olds and I represent Stacy ~~and~~  
8 ~~Leigh Ann~~ As you probably know, they have sued  
9 the School District concerning what happened to them  
10 resulting from Mr. Yarbnet's sexual — his sexual assault.  
11 And we're going to take your deposition to see  
12 what your knowledge is of the facts relevant to that case,  
13 okay?  
14 A. Yes.  
15 Q. And I guess the — I assume that you've had a  
16 chance to talk to counsel about this deposition.  
17 A. Yes, I have.  
18 Q. Do you understand that you're represented by this  
19 law firm or are you here unrepresented?  
20 A. I'm represented.  
21 Q. And who is your lawyer?  
22 A. Mr. Lanzillo.  
23 Q. And have you hired Mr. Lanzillo?

1 APPEARANCES

2 For the Plaintiffs:

3 Edward A. Olds, Esquire  
4 1007 Mount Royal Boulevard  
5 Pittsburgh, PA 15223

6 For the Defendants:

7 Richard A. Lanzillo, Esquire  
8 Neil R. Devlin, Esquire  
9 Knox McLaughlin Gornall & Sennett, P.C.  
10 120 West Tenth Street  
11 Erie, PA 16507

12 INDEX

13 GAYLA DEMARCO

14 Direct Examination by Mr. Olds . . . . . 3

15

16 EXHIBITS

17

18 DeMarco Deposition Exhibit No. 1 . . . . . 13  
19 DeMarco Deposition Exhibit No. 2 . . . . . 25  
20 DeMarco Deposition Exhibit No. 3 . . . . . 25  
21 DeMarco Deposition Exhibit No. 4 . . . . . 30  
22  
23  
24  
25

1 A. No, I have not.  
2 Q. Have you ever entered into a fee agreement with  
3 him?  
4 A. No.  
5 Q. Can you tell me why you think he's your lawyer?  
6 A. He's — I'm an employee of the Girard School  
7 District and he is our solicitor.  
8 Q. You're not a management employee, are you; are you  
9 in management?  
10 A. No, I'm not.  
11 MR. DEVLIN: Objection to form.  
12 Q. Are you in the Teacher's Union?  
13 A. Yes.  
14 Q. Okay. So you have — aside from the fact that  
15 Mr. Lanzillo represents the School District, you haven't  
16 entered a separate agreement with him to represent you; is  
17 that correct?  
18 A. Would you explain your question.  
19 Q. Have you contacted Mr. Lanzillo to represent you  
20 in connection with this case?  
21 A. No.  
22 Q. Okay. And so at your request, I think, your  
23 sister is sitting in this deposition?  
24 A. Yes.  
25 Q. And I don't mind accommodating those kind of

E-1

1 Q. Did any police officer in terms of investigating  
2 the criminal charges against Mr. Yarbenet meet with you?  
3 A. No.  
4 Q. And you don't recall that Kelly [REDACTED] came to  
5 you and told you that Gregory Yarbenet was sexually  
6 molesting her daughter?  
7 A. No, I do not recall.  
8 Q. Okay.  
9 A. As I said earlier, I do not know of this person or  
10 her daughter, therefore, I don't recall the situation at  
11 all.  
12 Q. Of course, if she came to you, that wouldn't be  
13 something that you would forget; would it?  
14 A. I have a responsibility and I take my job very  
15 seriously. If a parent -- a student had come to me with  
16 that kind of information, I would have immediately gone to  
17 my supervisor as I did the morning that Leigh Ann [REDACTED]  
18 had shared that information with me.  
19 Q. Of course, Leigh Ann [REDACTED] came to you after Gregory  
20 Yarbenet was in jail or after he had been removed from the  
21 School District?  
22 A. Yes.  
23 Q. And after the criminal charges against him had  
24 been filed, after he'd been arrested, right?  
25 A. Yes.

21

1 Q. Now, did you get back to the faculty lounge very  
2 frequently?  
3 A. No.  
4 Q. Would teachers come to your office during the  
5 course of the day to discuss issues that they had to deal  
6 with?  
7 A. Yes.  
8 Q. Okay. On a given day, how many? I mean, would  
9 you -- on a normal day would you expect you would have  
10 interactions with teachers more than 10 times?  
11 A. No.  
12 Q. Now, you indicated that you recall meeting with  
13 Stacy [REDACTED]'s mother at IEP meetings.  
14 A. Yes.  
15 Q. Who else attended those IEP meetings?  
16 A. The gifted teacher, Mary Werling.  
17 Q. Who else?  
18 A. And the parent.  
19 Q. Do you recall that Gregory Yarbenet attended an  
20 IEP meeting regarding Stacy [REDACTED] once?  
21 A. No, I do not recall.  
22 Q. You searched -- apparently, someone searched, did  
23 you produce these records, the document that's been marked  
24 as Exhibit No. 17?  
25 A. That had been done through my office and then a

23

1 Q. And so in your April meeting with Mr. Lanzillo,  
2 you told Mr. Lanzillo that you didn't recall Kelly [REDACTED]  
3 A. That's correct.  
4 Q. In terms of the faculty members that you might --  
5 going back to the time period 1998 to 2002, did you  
6 socialize with any other faculty members outside the school?  
7 A. In terms of Christmas parties, end-of-the-year  
8 picnic, yes.  
9 Q. Did you socialize with faculty members in the  
10 school, for instance, eat lunch with the same faculty --  
11 same group of faculty members or anything like that?  
12 A. Not very often, no.  
13 Q. Okay. Would you -- so you would eat lunch in your  
14 office or something?  
15 A. That's correct, when I would take a lunch.  
16 Q. Would you be in the -- when the teachers  
17 congregated, would it be at the teacher's lounge?  
18 A. Yes.  
19 Q. Where was that located?  
20 A. At the opposite end of the main office in the  
21 building.  
22 Q. So that was in the main office complex, but not  
23 close to where your office was?  
24 A. No. The faculty lounge is at the opposite end of  
25 the building from where I am in my office.

22

1 copy was given to Mr. Lanzillo.  
2 Q. Okay. And did you search for the records  
3 involving any other students?  
4 A. Stacy [REDACTED].  
5 Q. And after you talked to Mr. Lanzillo about Kelly  
6 [REDACTED] and her daughter, [REDACTED], did you search  
7 the records for any information about her or them?  
8 A. It is my understanding that the District had done  
9 that.  
10 Q. Okay.  
11 A. And could not find any records on that student, as  
12 being a student in our building.  
13 Q. So the student -- did you know that [REDACTED] was a  
14 foster child?  
15 A. I do not know the student, therefore, I would not  
16 now that she's a foster child.  
17 Q. Okay. Do you recall whether you ever had any  
18 dealings with -- strike that. When you would have the IEP  
19 meetings with Stacy and Ms. Werling -- excuse me, Stacy's  
20 mother, Ms. Werling, and you, who chaired those meetings?  
21 A. I would.  
22 Q. Now, were those meetings open to other faculty  
23 members? Could anyone come into those meetings?  
24 A. At the time if another teacher wanted to I suppose  
25 we could have invited them, yes.

24

E-2

1 A. Yes.  
 2 Q. School day?  
 3 A. Yes.  
 4 Q. Was it an all-day trip?  
 5 A. We left sometime in the morning and we got back  
 6 certainly before dismissal time.  
 7 Q. Do you know Cindy Scott or Cynthia Scott?  
 8 A. Yes.  
 9 Q. And Ms. Scott would have a student in your school,  
 10 or had a student in your school?  
 11 A. She had daughters go through my building, yes.  
 12 Q. Do you recall whether she attended that field trip  
 13 as a chaperone?  
 14 A. I do not recall.  
 15 Q. And you don't recall her talking to you, pointing  
 16 out to you conduct involving Mr. Yarbenet and Stacy on that  
 17 occasion?  
 18 A. Would you please rephrase your question.  
 19 Q. Do you have any recollection of Ms. Scott bringing  
 20 to your attention conduct involving Mr. Yarbenet and Stacy  
 21 that she thought was inappropriate?  
 22 A. Absolutely not. I would have reported anything  
 23 that came to my attention.  
 24 Q. Let's suppose that you did report it, but that you  
 25 don't recall reporting it now, okay? Let's just suppose

1 Q. Okay. Have you had a chance to read it?  
 2 A. Yes.  
 3 Q. After reading it, did it refresh your recollection  
 4 at all about the interactions you had with Ms. Scott that  
 5 day on this trip to Pleasant Ridge Manor?  
 6 A. This does not juggle my memory whatsoever. I do  
 7 not recall this incident whatsoever.  
 8 Q. Do you have any -- what are your responsibilities,  
 9 if any, insofar as either making observations about or  
 10 collecting data or information about teacher conduct that  
 11 might be inappropriate relative to students?  
 12 A. I'm not so sure I understand your question. What  
 13 are you saying as inappropriate? As she's stating here,  
 14 giggling -- would you please rephrase that.  
 15 Q. Well, my question was, do you have any obligation,  
 16 either statutory or arising out of any teacher handbooks  
 17 concerning either the collection of information about  
 18 inappropriate teacher/student conduct or making observations  
 19 about such conduct?  
 20 MR. DEVLIN: You're asking just in general.  
 21 MR. OLDS: I'm asking if she has any duties in  
 22 that area.  
 23 A. I would be required by law, if I felt there were  
 24 any inappropriate behavior, to contact authorities.  
 25 Q. And do you understand that's statutory law? Or

29

31

1 that.  
 2 If you had reported it, would you have made or  
 3 entered information on the computer similar to the  
 4 information about Leigh Ann, which was marked as Exhibit No.  
 5 1?  
 6 MR. DEVLIN: I'm going to object to the form, you  
 7 can answer the question.  
 8 THE WITNESS: Pardon me?  
 9 MR. DEVLIN: I'm just objecting to the form of the  
 10 question, my basis for the objection calls for  
 11 speculation. You can answer the question.  
 12 A. I just needed clarification. I apologize.  
 13 Supposing that I had reported this?  
 14 Q. Yes.  
 15 A. I certainly would have documented it.  
 16 (DeMarco Deposition Exhibit No. 4 marked for  
 17 identification.)  
 18 Q. I'm going to mark this as Exhibit No. 4. I don't  
 19 know if you've ever seen this document, but it's a document  
 20 that we provided to counsel for the School District, and  
 21 it's a statement signed by Cynthia Scott. Have you ever  
 22 seen this document, Ms. DeMarco?  
 23 A. No, I have not.  
 24 Q. Why don't you take a little time and read it.  
 25 A. (Witness complies.)

1 you say you're required by law, do you know what law that  
 2 is?  
 3 A. No, I do not know the meaning of the law.  
 4 Q. Is there a -- is there a teacher handbook at the  
 5 Girard Area School District?  
 6 A. Yes.  
 7 Q. What kind of information is contained in the  
 8 teacher handbook?  
 9 A. The school rules, expectations of the faculty,  
 10 general information about our responsibilities in the  
 11 building.  
 12 Q. Okay. You looked at Ms. Scott's statement and in  
 13 the context of my question about what your duties were  
 14 relative to collecting data concerning teachers, and you  
 15 looked at that and you looked at her statement; do you think  
 16 that her statement does not describe inappropriate conduct?  
 17 A. Well, I think this is rather objective. I think  
 18 this is just an opinion based on what she's perceiving.  
 19 Teacher's might have been giggling with other students. I  
 20 mean, I don't --  
 21 Q. He writes, "Yarbenet's attention was devoted  
 22 solely to Stacy the entire day," do you think that's  
 23 appropriate conduct for a teacher?  
 24 A. No, it would not be.  
 25 Q. But you do not recall her pointing that out to

30

32

E-3

1 IN THE UNITED STATES DISTRICT COURT  
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3 STACY S.; and JOHN AND : HONORABLE SEAN J. MCLAUGHLIN  
4 MARY ELLEN S., on behalf :  
5 of their daughter, LEIGH :  
6 ANN S., a minor, :  
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14 GREGORY YARBENET, a :  
15 professional employee of :  
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18 Defendant : Jury Trial Demanded  
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25 Tenth Street, Erie, PA 16507.

Reported by Sonya Hoffman  
Ferguson & Holdnack Reporting, Inc.

1 G R E G G M C C L E L L A N D, first having  
2 been duly sworn, testified as follows:  
3  
4 DIRECT EXAMINATION  
5 BY MR. OLDS:  
6  
7 Q. Mr. McClelland, I want to apologize for keeping  
8 you waiting here. Sorry we got hung up and I want to  
9 apologize. I really hate to wait myself, so if you're  
10 irritated, I can understand it, and accept my apology and  
11 I'll try not to have that happen again, okay?  
12 A. Okay.  
13 Q. You're employed with the Girard School District  
14 now; is that right?  
15 A. That's correct.  
16 Q. And what is your current position?  
17 A. High school principal.  
18 Q. How long have you worked for Girard?  
19 A. Since January of '99.  
20 Q. Okay. Where did you work before that?  
21 A. At St. Mary's School District. I was a high  
22 school guidance counselor for one and a half years and the  
23 middle school guidance counselor for four years.  
24 Q. And what's your educational background?  
25 A. Bachelor's degree from Edinboro University in

1 A P P E A R A N C E S  
2 For the Plaintiffs:  
3 Edward A. Olds, Esquire  
4 1007 Mount Royal Boulevard  
5 Pittsburgh, PA 15223  
6 For the Defendants:  
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10 120 West Tenth Street  
11 Erie, PA 16507  
12  
13 I N D E X  
14 GREGG MCCLELLAND  
15 Direct Examination by Mr. Olds . . . . . 3  
16  
17 E X H I B I T S  
18  
19 McClelland Deposition Exhibit No. 1. . . . . 23  
20 McClelland Deposition Exhibit No. 2. . . . . 33  
21 McClelland Deposition Exhibit No. 3. . . . . 36  
22 McClelland Deposition Exhibit No. 4. . . . . 39  
23 McClelland Deposition Exhibit No. 5. . . . . 43  
24  
25

1 history. Master's degree in student personnel services and  
2 then a guidance certificate from Edinboro. And then  
3 secondary administration certificate from Edinboro. And  
4 superintendent's certificate from Westminster College.  
5 Q. And what kind of courses or what kind of work do  
6 you have to do to get those administrative certificates, the  
7 secondary certificate and the superintendent certificate?  
8 A. There's courses about physical plant, learning  
9 about taking care of buildings, high schools. Financial  
10 classes, how to do budgets, administrative courses.  
11 Q. Before you worked for St. Mary's, were you working  
12 in the educational field?  
13 A. No. I was in the United States Navy.  
14 Q. And what was your -- tell me a little bit about  
15 your time in the service. What were your ranks and what did  
16 you do?  
17 A. I was an E-4 Petty Officer, Third Class. And I  
18 was a Galla linguist.  
19 Q. What kind of linguist?  
20 A. It's a language spoken in the Philippines.  
21 Q. And how long were you in the Navy?  
22 A. For four years and nine months.  
23 Q. And are you from -- were you born in this area?  
24 A. In Platea, which is about five miles from Girard.  
25 Q. And St. Mary's, where is that located?

1 Q. Did you ever observe the lights not being on in  
2 his room?  
3 A. When class was going on, once in a while he may be  
4 showing a film or the TV was on if they were watching a  
5 video about a science topic.  
6 Q. Would you interact with Mr. Yarbenet on a daily  
7 basis?  
8 A. Not on a daily basis, no.  
9 Q. On a weekly basis?  
10 A. Weekly, yes.  
11 Q. And when you interacted with him, would it just be  
12 because you happened to encounter him in the hallway or -- I  
13 mean, tell me the occasion.  
14 A. That would usually be the occasion. If I was  
15 doing hall duty when classes were changing and I'd walk by  
16 and he was out in the hall supervising, I would say hello to  
17 him.  
18 Q. When were teachers assigned hall duty? I mean,  
19 how did that -- was that a rotating thing, the hall duty?  
20 A. No. We just asked them if they could periodically  
21 step out into the hall when classes were changing, but there  
22 was no set schedule for them to be out there.  
23 Q. What were your impressions of Yarbenet outside the  
24 classroom? In other words, when you observed him with  
25 students outside the academic setting, what were your

13

1 didn't, that tells me that she was a good student and she  
2 didn't get in trouble discipline-wise. And that was -- when  
3 I met with -- excuse me, when I met with students, that's  
4 usually when it was, was because of disciplinary reasons.  
5 Q. Do you recall whether you ever saw her alone with  
6 Yarbenet?  
7 A. No.  
8 Q. What about Leigh Ann, did you ever see her alone  
9 with Yarbenet?  
10 A. No.  
11 Q. Did you ever see her in his room when no other  
12 students were there, just her?  
13 A. No.  
14 Q. When you came to the School District and you met  
15 with Mr. Snyder, was there ever an occasion where you and he  
16 discussed the different faculty members, their  
17 personalities, their strong points, their weak points, that  
18 he sort of highlighted those kinds of issues for you?  
19 A. Not that I recall.  
20 Q. Do you remember Greg Senyo?  
21 A. Yes, I do.  
22 Q. Did Greg Senyo talk to you about lights being  
23 unscrewed in the closet behind Yarbenet's room?  
24 A. No.  
25 Q. You say that he didn't?

15

1 impressions of him?  
2 A. Well-liked. I just thought he was goofy, that's  
3 why the middle school kids liked him. They would come to  
4 him in the hall and say hello, things like that. He was  
5 popular with the kids.  
6 Q. What did he do that makes you characterize him as  
7 goofy?  
8 A. Maybe changing his voice when he talked to some of  
9 the kids, you know, it makes them laugh, puts them at ease.  
10 He was animated when he would talk at times with them.  
11 Q. Was he oftentimes surrounded by girls when you saw  
12 him in the hallway?  
13 A. Not always. I saw him with boys and girls.  
14 Q. Okay. Were there occasions when you saw him  
15 surrounded by girls, however?  
16 A. Maybe one or two that I can recall.  
17 Q. Do you remember Stacy [redacted]?  
18 A. No, I don't.  
19 Q. Do you think you ever saw Stacy?  
20 A. Yes. I would have seen her in the school.  
21 Q. But you don't remember her?  
22 A. No.  
23 Q. You never had any like one-on-one meetings with  
24 her?  
25 A. Not that I recall. She would have been -- If I

14

1 A. No.  
2 Q. Do you remember Karen Kwiatkowski?  
3 A. KK, yes, I do.  
4 Q. Did she talk to you about her concerns about  
5 Yarbenet?  
6 A. Not that I recall.  
7 Q. So you don't recall ever having a conversation  
8 with her where she told you that she felt that Yarbenet had  
9 an inappropriate relationship with Stacy?  
10 A. No.  
11 Q. How about with Leigh Ann?  
12 A. No.  
13 Q. Did you ever meet with Yarbenet concerning any  
14 complaints that you had received about him?  
15 A. Yes, I did.  
16 Q. Okay. On how many occasions did you meet with  
17 Yarbenet?  
18 A. I know one for sure, and two at the most.  
19 Q. Now, were these meetings, did they just involve  
20 you and Yarbenet or was Mr. Snyder there?  
21 A. Mr. Snyder was there.  
22 Q. So there were three people at the meeting?  
23 A. Correct.  
24 Q. Now, you say you remember one for sure; what was  
25 the topic of that meeting?

16

F-2



1 A. I received a phone call, and I don't recall the  
2 lady's name, she was an adult that had went -- or was at  
3 Pleasant Ridge Manor in the spring, I believe, it was 2001,  
4 it was a field trip, some of our students had went down  
5 there.  
6 And she wanted to report that she felt uneasy  
7 seeing Mr. Yarbenet and Ms. [REDACTED] sitting away from the  
8 rest of the students at a picnic table during lunch that  
9 day. She said that she did not see him touch her or do  
10 anything inappropriate, but they were -- she just felt  
11 uneasy because they were sitting side by side and talking  
12 very close, and she just thought that it was strange to see.  
13 Q. Did you ask the woman to identify herself?  
14 A. At that point she did. Like I said, I don't  
15 recall. I went over and I reported it to Mr. Snyder.  
16 Q. Okay. We had identified -- let me see if I can  
17 find it. Do you recall anything else that this lady told  
18 you other than what you've related today?  
19 A. No. To the best of my recollection, that was it.  
20 Q. And did she tell you that what she had observed  
21 had made her upset?  
22 A. Yes.  
23 Q. And did she say that they were acting like  
24 boyfriend and girlfriend?  
25 A. I couldn't recall if that's her exact words, but

17

1 A. Correct.  
2 Q. Did Mr. Snyder say anything about [REDACTED] when you  
3 told him that, you know, someone called me about -- and said  
4 that Yarbenet and [REDACTED] were sitting apart and sitting on  
5 the same side of the table and it made the lady feel sort of  
6 nervous, did Mr. Snyder indicate that he knew [REDACTED] or knew  
7 of her?  
8 A. He would have -- you know, being a student, he  
9 knew most of the students in the school, but I don't what he  
10 said.  
11 Q. But you didn't know her; did you?  
12 A. To recall her now, no. But back in school, like I  
13 said, I really had no interaction with her.  
14 Q. Would it be possible that you might -- not -- that  
15 you might not even know -- associate her face with her name?  
16 A. Correct.  
17 Q. So tell me what you recall about the meeting with  
18 Mr. Yarbenet.  
19 A. Mr. Snyder explained to him that I had received a  
20 phone call about the class trip. And then he asked me to --  
21 I believe he asked me to tell Mr. Yarbenet what the lady had  
22 said and he wanted Mr. Yarbenet's explanation of what  
23 happened.  
24 Q. And what did Mr. Yarbenet say?  
25 A. He said that he and the [REDACTED] family were

19

1 It made her feel uneasy that they were sitting side by side.  
2 Q. Who was the sexual harassment officer at the  
3 school at that time?  
4 A. That would have been myself.  
5 Q. Can you tell me what training you had concerning  
6 sexual harassment?  
7 A. Really, none.  
8 Q. Okay. So the lady called you; do you know why the  
9 lady called you?  
10 A. No, I don't.  
11 Q. Was it Cynthia Scott?  
12 A. I -- honestly, I can't recall.  
13 Q. And so you went and talked to Mr. Snyder about it.  
14 A. Correct.  
15 Q. Tell me what Mr. Snyder said to you.  
16 A. He said we need to get Mr. Yarbenet down and have  
17 a meeting right away, and we did.  
18 Q. And I suppose that you related to Mr. Snyder the  
19 content of the conversation that you had with the lady?  
20 A. Correct.  
21 Q. And did you meet with Mr. Yarbenet that same day?  
22 A. I can't recall if it was that afternoon or the  
23 next morning.  
24 Q. But it was -- the lady had specifically mentioned  
25 the student that she was concerned about was Stacy [REDACTED]?

18

1 friends outside of school and that [REDACTED] was like a -- he  
2 considered her a confidant. She helped him get over the  
3 death of his first wife, she listened to him as he spoke  
4 about it, and that's what he was doing that day.  
5 Q. Did that seem like a preposterous story to you?  
6 A. It -- I wouldn't have done that. I wouldn't have  
7 had a young student be a confidant to me, no.  
8 Q. I mean, did that raise any flags in your head that  
9 the teacher on any level was having an inappropriate  
10 relationship with this student?  
11 A. It was definitely different, yes.  
12 Q. Teachers don't necessarily have a right to impose  
13 their psychological traumas and burdens on students; do  
14 they?  
15 A. They shouldn't, no.  
16 Q. Did Mr. Yarbenet say anything else that day?  
17 A. No. He -- well, he just said there was nothing  
18 inappropriate going on and basically that [REDACTED] was his  
19 close friend, and she just listened to him when he was going  
20 through the grieving process about his wife. And that's  
21 about the best I can recall him saying.  
22 Q. Did you understand when his wife died?  
23 A. That happened before I came to Girard.  
24 Q. Did you ever meet his new wife?  
25 A. Yes, I did.

20

F-3

1 Q. And did he have a son?  
 2 A. Yes.  
 3 Q. Who was the mother of his son, the new wife or the  
 4 old wife?  
 5 A. I'm not positive. I thought it was the second  
 6 wife, but I'm not sure though.  
 7 Q. So the first wife must have died some time ago  
 8 because the son was 11 or 12 at that time, right?  
 9 A. At that time, I believe he was in 6th grade -- or  
 10 he ended up -- when I -- when he left, when Mr. Yarbenet  
 11 left, I believe his son would have been in about 7th grade,  
 12 somewhere in there.  
 13 Q. After Mr. -- you confront Mr. Yarbenet with the  
 14 statement made by the lady who called you and Mr. Yarbenet  
 15 gives his defense, what's going on, what was said after  
 16 that? Did anyone else talk at the meeting?  
 17 A. Mr. Snyder just -- he told Mr. Yarbenet, you know,  
 18 he should be careful because to people that don't know him  
 19 or, you know, ~~Sney~~, it does not look good and he should not  
 20 put himself in that position.  
 21 Q. So Mr. Snyder told him to be careful?  
 22 A. Yeah, the best that I can recall. And he was not  
 23 to be, you know, in that position anymore.  
 24 Q. Was there any suggestion that you call ~~Sney~~'s  
 25 mother and tell ~~Sney~~'s mother what the lady had said to

1 about a 12-or-13-year-old girl being his confidant for his  
 2 psychological problems; is that right?  
 3 A. True.  
 4 Q. By any chance, after that meeting, did you have  
 5 any conversations with any teachers to see if the teachers  
 6 had observed anything inappropriate concerning Yarbenet's  
 7 relationship with ~~Sney~~?  
 8 A. Not that I recall, no.  
 9 (McClelland Deposition Exhibit No. 1 marked for  
 10 identification.)  
 11 Q. I'm going to mark this as Exhibit No. 1.  
 12 Mr. McClelland, you've probably never seen this, this is the  
 13 police report that was generated in this case as a result of  
 14 the police investigation. Maybe I shouldn't assume that  
 15 you've never seen it, but have you ever seen it before?  
 16 A. I don't believe so, no.  
 17 Q. Can you look at the document -- you can look at --  
 18 take your time looking through this, if you want, I'm going  
 19 to direct -- I'm going to ask you some questions from  
 20 information that's on 1080, it's stamped here at the bottom,  
 21 1080; but you can take as much time as you want looking  
 22 through the document.  
 23 A. (Witness reviews document.)  
 24 Q. Have you had a chance to look at that?  
 25 A. (Witness nods head.)

21

23

1 you?  
 2 A. I don't recall if he told me to do that or not.  
 3 Q. You didn't call ~~Sney~~'s mother; did you?  
 4 A. Not that I recall, no.  
 5 Q. You didn't call ~~Sney~~'s father?  
 6 A. No.  
 7 Q. And it was your impression, and I take it from  
 8 this meeting, that what Ms. Scott was saying was that she  
 9 was telling you that she had perceived the activities  
 10 between Yarbenet and ~~Sney~~, he was too close to her. I  
 11 mean, it wasn't what a teacher would -- it wasn't conduct  
 12 that you would think a teacher would engage in; is that  
 13 right?  
 14 MR. DEVLIN: Object to the form, it assumes  
 15 facts --  
 16 MR. OLDS: Just let him answer the question.  
 17 Q. Is that right, Mr. McClelland?  
 18 A. Because they were sitting side by side it made her  
 19 feel uneasy.  
 20 Q. But that Yarbenet was doing something that a  
 21 teacher shouldn't be doing, that's what upset her; is that  
 22 right?  
 23 A. She thought it was strange that he was sitting  
 24 that close.  
 25 Q. And you thought it was strange that he talked

1 Q. I wanted to, I guess in particular, refer you to  
 2 the part where Ms. Seneta was interviewed. I think you said  
 3 that -- I forget whether you said that you knew Mr. Seneta  
 4 before you came here.  
 5 A. It was -- it's not her husband.  
 6 Q. It's a different Seneta?  
 7 A. Yeah. She's married to this -- Mr. Seneta that  
 8 was a teacher at the school, she's married to, I believe,  
 9 it's his cousin.  
 10 Q. I guess my question is: Did Ms. Seneta ever have  
 11 any conversations with you in which she reported to you that  
 12 she had seen things that made her uncomfortable?  
 13 A. Not that I recall with her having a conversation  
 14 with me, no.  
 15 Q. Okay. You indicated, I guess, that after the  
 16 meeting with Yarbenet, you didn't call ~~Sney~~'s mother or  
 17 father, right?  
 18 A. Correct.  
 19 Q. And you didn't investigate, you didn't talk to any  
 20 other teachers or any other professionals to see if they had  
 21 observed anything inappropriate with Yarbenet; is that  
 22 right?  
 23 A. As best as I can recall, correct.  
 24 Q. You said that you might have been involved in  
 25 another conversation with Yarbenet and Snyder, remember

22

24

F-4

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

STACY S; and JOHN and :  
MARY ELLEN S., on behalf :  
of their daughter, LEIGH :  
ANN S., a minor, :  
Plaintiffs :  
vs. : Civil Action No. 04-150E  
GIRARD SCHOOL DISTRICT; :  
ROBERT SNYDER, : HONORABLE SEAN J. MCCLAUGHLIN  
Individually and in his :  
capacity as Principal of :  
the Rice Avenue Middle :  
School; and GREGORY :  
YARBENET, a professional :  
employee of the Girard :  
School District, :  
Defendants : Jury Trial Demanded

Deposition of ROBERT SNYDER, taken before and  
by Carol A. Holdnack, RPR, Notary Public in and for  
the Commonwealth of Pennsylvania, on Friday,  
April 8, 2005, commencing at 10:00 a.m., at the  
offices of Knox McLaughlin Gornall & Sennett, P.C.,  
120 West Tenth Street, Erie, PA 16501.

For the Plaintiffs:  
Edward A. Olds, Esquire  
Carolyn Spicer Russ, Esquire  
1007 Mount Royal Boulevard  
Pittsburgh, PA 15223

For the Defendants:  
Richard A. Lanzillo, Esquire  
Knox McLaughlin Gornall & Sennett, P.C.  
120 West Tenth Street  
Erie, PA 16501

Reported by Carol A. Holdnack, RPR  
Ferguson & Holdnack Reporting, Inc.

G-1



1 ever talk to Mr. Newson about anything pertaining to Gregory  
2 Yarbenet after it was disclosed that he was molesting these  
3 students?

4 A. No.

5 Q. Did you ever talk to him at all about Gregory  
6 Yarbenet molesting students?

7 A. No.

8 Q. Would you have any idea what to look for in terms  
9 of detecting signs that a faculty member on your staff is a  
10 pedophile?

11 MR. LANZILLO: Objection to form. Go ahead.

12 A. Not specifically a pedophile.

13 Q. Can you think of any signs that you would look  
14 for, any signs or signals that might disclose that a staff  
15 member is harassing a student, sexually harassing a student?

16 MR. LANZILLO: Objection to form. Go ahead.

17 A. I would look for reports from the student.

18 Q. And can you think of anything else?

19 A. No.

20 Q. Now, how did you find out that Gregory Yarbenet  
21 was accused of molesting St. [REDACTED]?

22 A. Our superintendent of schools, Mr. Blucas,  
23 informed me.

24 Q. And how did he inform you?

25 A. He came into my office that morning and said that

G-2

Case 1:04-cv-00150-SJM Document 32-6 Filed 08/18/2005 Page 18 of 55

1 A. Driving on Rice Avenue.

2 Q. And did it occur to you that there might be  
3 something wrong with that situation?

4 A. No.

5 Q. Why not?

6 A. Because I had seen Mrs. [REDACTED] pick up  
7 Mr. Yarbenet at Rice Avenue Middle School previous to that.  
8 And I -- Mr. Yarbenet had told me that he was getting rides  
9 home from Mrs. [REDACTED] at Elk Valley, and that he would walk  
10 there.

11 Q. When did he tell you that?

12 A. I cannot put a date on it.

13 Q. Then was he walking -- did he tell you that he was  
14 walking with Stacey?

15 A. No, he said that he was walking to Elk Valley to  
16 get a ride with Mrs. [REDACTED].

17 Q. You never talked to Mrs. [REDACTED] to see whether it  
18 was okay with her for Yarbenet to be alone with Stacey, did  
19 you?

20 A. No.

21 Q. Did you ever talk to Stacey's father?

22 A. No.

23 Q. Did you ever talk to Leigh Ann's mother or father  
24 about whether it was appropriate for her to be with Yarbenet  
25 alone?

G-3

1 A. No.

2 Q. Now, the police report -- did you ever see  
3 Yarbenet with ~~Stacy~~ in the hallways?

4 A. Not that I recall.

5 Q. What about with ~~Leigh Ann~~, did you ever see  
6 Yarbenet talking and walking with ~~Leigh Ann~~ in the hallways?

7 A. Not that I recall.

8 Q. Did you ever see him with students in the  
9 hallways?

10 A. Yes.

11 Q. What was his demeanor?

12 MR. LANZILLO: When?

13 Q. When you saw him with students in the hallways.

14 A. Well, generally, I would see him in the hallway  
15 with students during class change. And all the teachers are  
16 to be out in the hall at that time. So they're just  
17 monitoring at that time.

18 Q. Okay. You never saw him walking with students in  
19 the hallways; is that right? Walking with girl students in  
20 the hallways, you never saw that?

21 A. No.

22 Q. And you never saw him -- did you ever see him hug  
23 girl students?

24 A. Not that I recall, no.

25 Q. Was it a violation of any policy that you know of

1 day off with silliness and jokes and that, then that was a  
2 disruption to the homeroom and would get the student body  
3 riled up at the beginning of the day in an inappropriate  
4 way, and that it was unacceptable.

5 Q. Was that the tenor of the second conversation as  
6 well?

7 A. Yes.

8 Q. And the result was that you suspended the TV for a  
9 period of time?

10 A. Correct.

11 Q. Now, there were a couple other instances that you  
12 can recall when you talked with him?

13 A. I talked with him about the bar across the  
14 cabinet.

15 Q. What else?

16 A. We talked about him -- or with him about -- on a  
17 school picture day, he had his school picture taken. And he  
18 put on a -- like a clown afro wig for it. And when the  
19 pictures came back, those same staff pictures were used for  
20 staff ID cards that year. That was when we were starting  
21 that. And I told him that that was unacceptable, that could  
22 not be used. And he had to have his picture retaken on the  
23 retake day so that he would have an appropriate staff photo  
24 ID.

25 Q. What other occasions do you recall talking to him?

G-5

1           A.    There was a time when -- I don't even remember.  
2   It was about the student resource center. I'm drawing a  
3   blank on what that is. I remember going to speak with him  
4   about it. It was the library then. It was shortly after  
5   the renovated school had opened. And his room was right  
6   next to there. I honestly -- I don't remember what that was  
7   about.

8                   Let's see. Mr. McClelland and I met with him  
9   after the Pleasant Ridge field trip. And that is when, from  
10  the field trip, Mr. McClelland had a report that Greg and  
11  S[REDACTED] -- and I don't remember the exact information because  
12  it came secondhand to me. But like sat separate from the  
13  group at lunchtime on a field trip. I think it was student  
14  council field trip to Pleasant Ridge Manor. So we talked to  
15  Greg about that too.

16                   And I talked to him -- what I had also -- I  
17  already talked about was -- or had mentioned earlier, when I  
18  talked to him about the lights being off. That's all I'm  
19  recalling at this time.

20           Q.    Okay. The Pleasant Ridge field trip, you say that  
21  information -- there was information received third hand?

22           A.    Well, Mr. McClelland came to me with the  
23  information. As I recall, because we met with Greg in the  
24  morning. And as I recall it, I was at a conference at the  
25  intermediate unit or something that day and I was out of the

1 building. And so the next day when I came into -- you know,  
2 when school started, Mr. McClelland told me that he had this  
3 information about them sitting together at lunch by  
4 themselves, kind of removed from the group.

5 And so the first thing in the morning after  
6 teachers get there, they have common plan time before  
7 homeroom starts. So we called Greg down then and spoke to  
8 him about that.

9 Q. What did Greg tell you? What was the  
10 information -- can you recall anything other than the fact  
11 that they had sat apart, ~~S~~ and Snyder had sat apart at  
12 lunchtime.

13 A. No, ~~S~~ and Yarbenet.

14 Q. Yarbenet, I'm sorry. Had sat apart.

15 A. That they sat apart from the group. That they  
16 were -- ~~S~~ was in their group, in his group. They were  
17 always together during the day. That's pretty much --

18 Q. Do you remember who the chaperones for that trip  
19 were?

20 A. The only one I would know for sure is Donna  
21 Turton, now Donna Turton-Cole, because she was the student  
22 council adviser.

23 Q. Did Gregg McClelland tell you where he got the  
24 information that he shared with you that prompted the  
25 meeting?

G-7

1 A. I honestly don't remember that. I don't.

2 Q. Was it from a parent by the name of Cynthia Scott?

3 A. I don't remember that.

4 Q. And did you talk, then, about that incident? Did  
5 you talk to anyone aside from Yarbenet?

6 A. No.

7 Q. And what did you tell Yarbenet?

8 A. What do you mean, what did I --

9 Q. Well, what was the conversation between you?

10 A. I asked him what was up with this, what went on  
11 here. And he explained that he and ~~Stacy~~ and her family  
12 were close friends, that they had gone through a lot  
13 together. That ~~Stacy~~ and her family had helped him when he  
14 had had his depression incidents. And that they were just  
15 very close family friends. And they were just sitting  
16 together. And I remember him saying, you know, others could  
17 have joined us, but we sat at the table and nobody did,  
18 nobody else joined us.

19 Q. Did you know -- on how many occasions had you met  
20 with ~~Stacy~~'s parents?

21 A. I have not met with ~~Stacy~~'s parents.

22 Q. Yarbenet told you that ~~Stacy~~ had helped him  
23 through his depression?

24 A. ~~Stacy~~ and her family.

25 Q. Did he mention ~~Stacy~~?

1 A. S█████ and her family, yes.

2 Q. And did it strike you as odd that a 50 -- what was  
3 he, about 55 years old then?

4 A. I don't remember.

5 Q. 55-year-old man would say that a 13-year-old girl  
6 had helped him through his depression?

7 MR. LANZILLO: Objection to form. It misstates  
8 the prior testimony.

9 A. Again, he had said that S█████ and her family had  
10 helped him. And it did not strike me as odd because I had  
11 seen Mrs. ██████ picking him up in the parking lot at the  
12 middle school before. And I had seen envelopes going back  
13 and forth in interoffice mail between Mr. Yarbenet and  
14 Mrs. ██████. And so in hearing that, it was a plausible  
15 explanation.

16 Q. Well, I hear your answer saying that you had seen  
17 Mr. Yarbenet with S█████'s mother' and had seen letters going  
18 back and forth between Mr. Yarbenet and S█████'s mother. But  
19 I didn't hear you say why you thought it was a plausible  
20 explanation that a 13-year-old girl would help a  
21 50-plus-year-old man through his depression. So what made  
22 that plausible to you?

23 A. I didn't say that a 13-year-old girl helped him  
24 through his depression.

25 Q. Well, he told you that, right?

G-9



1 MR. LANZILLO: Let the witness answer.

2 A. I said that he said S[REDACTED] and her family.

3 Q. And I'm asking you, did you find it plausible that  
4 a 13-year-old girl would help a 50-plus-year-old man through  
5 depression?

6 MR. LANZILLO: Objection. Asked and answered.

7 You can try to change his answer as many times as  
8 you want, Ed.

9 A. My understanding of what your question was, was it  
10 plausible, what the explanation he gave, was it plausible as  
11 to why he was sitting at a table alone with S[REDACTED]. And to  
12 that, his explanation to me was plausible, yes. At no time  
13 did I ever infer or take from what he said or anything that  
14 S[REDACTED] alone was the one who helped him through his  
15 depression.

16 Q. Now, might this have been the occasion when he  
17 talked to you about his depression, or did he have a  
18 conversation with you about his depression on some other  
19 occasion?

20 A. Well, I know it was at least referenced here,  
21 because he talked about the [REDACTED] family helping him in  
22 that. But I know that in another discussion it had come up  
23 previously.

24 Q. And going back to that discussion --

25 A. Which discussion?

G-10

1 Q. The first discussion, the other discussion --

2 A. Okay.

3 Q. -- where he talked about his depression.

4 A. Um-hum.

5 Q. What did he tell you then about his depression?

6 A. He said he was experiencing depression, that he  
7 hadn't gotten over the death of his first wife. He was  
8 still experiencing grief over that. And that that, in turn,  
9 was causing some marital strife between him and his second  
10 wife.

11 Q. Did he indicate to you in that conversation that  
12 he was considering suicide?

13 A. I don't recall.

14 Q. Did he ever indicate to you that he was  
15 considering or had considered suicide?

16 A. Somewhere along the way, and in which discussion I  
17 don't recall. But somewhere along the way, he did reference  
18 it, that he had previously thought about suicide.

19 Q. Did he say anything about ~~st~~ in connection with  
20 that suicidal thought?

21 A. No.

22 Q. Now, going back to this second thing about the  
23 Pleasant Ridge incident.

24 A. Okay.

25 Q. We'll just call it Pleasant Ridge incident. Okay?

G-11

1 A. Um-hum.

2 Q. What was it -- what did Mr. McClelland tell you  
3 that -- about the incident, that you thought it was  
4 important enough to meet with Yarbenet about the incident?  
5 Well, let me just put it this way. Why did you think it was  
6 important enough to talk to Yarbenet about that incident?

7 A. Because I wanted to find out what the situation  
8 was. You know, student council is there as a group. Why  
9 were they isolated.

10 Q. Did Mr. McClelland tell you that he had  
11 information that ~~S~~ and Yarbenet acted like  
12 boyfriend/girlfriend on that student council trip?

13 A. No, I don't remember that.

14 Q. Did he tell you that he had information that they  
15 had acted inappropriately on that student council trip?

16 A. No.

17 Q. Do you recall a conversation with Yarbenet  
18 where -- that involved him being on the bus or tying up the  
19 buses after the end of school?

20 A. No.

21 Q. Do you recall a conversation with Yarbenet where  
22 he was on the bus with ~~S~~ and the buses couldn't  
23 leave on time?

24 A. No.

25 Q. Do you recall a conversation that you had with

1 Mr. Yarbenet where you told him he was not to go on those  
2 buses?

3 A. No.

4 Q. Did you ever see him on the bus, or at dismissal  
5 time get on the bus, when S [REDACTED] was on the bus, on a  
6 bus that S [REDACTED] was on?

7 A. No, I have absolutely no recollection of that.

8 MR. LANZILLO: Just for the record, Ed, my  
9 understanding is, looking at those, that they're  
10 actually separate letters. I don't want you to be  
11 under the mistaken impression that's a single  
12 letter.

13 MR. OLDS: Okay. Well, I only see one letter  
14 here. So maybe -- why don't we get copies of it  
15 so we can talk about it, okay.

16 THE WITNESS: Can I look at it real quick, so I'll  
17 recognize it.

18 MR. OLDS: Sure. We're going to get copies.

19 THE WITNESS: Okay.

20 MR. LANZILLO: Maybe it is just one.

21 DR. MAYNARD: I think we asked for one copy of the  
22 first letter.

23 MR. LANZILLO: Could you have Ann fax that. There  
24 was another letter that came in?

25 DR. MAYNARD: Um-hum.

1 Q. And when did you get your master's?

2 A. 1988.

3 Q. And when did you get your administrative  
4 certificate?

5 A. 1990.

6 Q. And how about the superintendent certificate?

7 A. I believe 2002.

8 Q. And what did you -- what kind of classes did you  
9 have to take to get the administrative certificate?

10 A. You take school finance, human resources, school  
11 plant, collective bargaining, curriculum development.

12 Q. Okay.

13 A. That's pretty much it, because they accepted my  
14 credits from my master's, so it was just beyond my master's  
15 to get the additional certification.

16 Q. And then you started working at Girard School  
17 District in 1988?

18 A. No, 1984.

19 Q. 1984. As a teacher?

20 A. Yes.

21 Q. What did you teach?

22 A. I taught sixth, seven and eighth grade math.

23 Q. Where?

24 A. Rice Avenue Middle School.

25 Q. And then you became a counselor in --

G-14

1 A. No.

2 Q. Tell me, beginning in 1984 when you started --  
3 when you started at Girard Area School District, what --  
4 what training the School District provided, that you  
5 attended, that dealt with sexual harassment.

6 A. I know that there was a training when a new  
7 harassment policy went in, in the mid 1990s. The  
8 superintendent's office arranged an in-service program for  
9 all School District staff on sexual harassment.

10 Q. And who conducted that program?

11 A. It was a consultant out of Cleveland. I don't  
12 remember her name.

13 Q. And what other training did you attend concerning  
14 sexual harassment?

15 A. I believe that is all.

16 Q. And what -- and did the School District ever  
17 provide any training on pedophilia, to your knowledge?

18 A. No.

19 Q. Do you remember the topics that were discussed in  
20 that in-service training about sexual harassment?

21 A. It had mostly to do with how to handle complaint  
22 processes.

23 Q. Was there any instruction given as to signs or  
24 signals that staff might look for to see if it was  
25 occurring, at that seminar?

G-15

D E P O S I T I O N

of ROBIN SENETA, taken pursuant to the Federal Rules of Civil Procedure, by and before Candance L. Messich, a Court Reporter and Notary Public in and for the Commonwealth of Pennsylvania, at the offices of KNOX, McLAUGHLIN, GORNALL & SENNETT, 120 West 10th Street, Erie, Pennsylvania, 16501, on Thursday, March 24, 2005, commencing at 11:50 a.m.

Also Present:

S. [REDACTED]

L. [REDACTED] A. [REDACTED]

Robert Snyder

Dean Maynard

H-1

MAXINE JACOBY & ASSOCIATES  
ALLEGHENY BUILDING SUITE 720  
429 FORBES AVENUE PITTSBURGH, PA. 15219  
(412) 765-3133 FAX (412) 765-2704

1 rules concerning faculty members touching  
2 students?

3 A No specific written rule.

4 Q Did you touch students?

5 A I don't.

6 Q I think you indicated that you were not often  
7 in Mr. Yarbenet's classroom?

8 A No.

9 Q Did Mr. Yarbenet make you nervous?

10 A No.

11 Q Did you ever see or observe Mr. Yarbenet do  
12 something that you thought -- and I'm talking  
13 relative to a student, and I'm not asking for  
14 a generalized norm or anything like that, I'm  
15 trying to get your impressions -- did you  
16 ever see him do anything that you thought was  
17 improper or unprofessional or inappropriate  
18 relative to students?

19 MR. LANZILLO: Objection to form.

20 THE WITNESS: That's very vague.

21 Could you be more specific?

22 MR. OLDS: Well, sure.

23 Q Did you ever see him do anything -- can you  
24 recall seeing him do something that you  
25 thought, well, I would never do that?



1 MR. LANZILLO: Objection to form.

2 THE WITNESS: Yes.

3 Q Tell me what kind of things you saw of that  
4 nature.

5 A Walk home with students, drive students home,  
6 put themselves in a one-on-one situation with  
7 any student in a classroom without anyone  
8 else there.

9 Q You observed him one-on-one with  
10 S [REDACTED], is that right?

11 A Yes.

12 Q On more than one occasion?

13 A Yes.

14 Q Did you ever see him walk home with her?

15 A Not to my specific recollection.

16 Q Did you ever see him drive her home?

17 A I saw her in his car.

18 Q You saw him walk home with students. Do you  
19 recall which students he walked home with?

20 A Many.

21 Q Were they always female?

22 A No.

23 Q No?

24 A No.

25 Q How many times do you think -- did you ever

- 1 see him one-on-one with L[redacted] A[redacted]?
- 2 A No.
- 3 Q How many times do you think that you saw him
- 4 one-on-one with S[redacted]?
- 5 A I can't answer that.
- 6 Q Would it be numerous times?
- 7 A Yes, that's fair.
- 8 Q And what parts of the day or on what
- 9 occasions might you see that?
- 10 A Any time of the day, before homeroom,
- 11 sometimes after school. She did TV studio
- 12 with him, the morning news. She often would
- 13 be coming from her, I assume, study hall in
- 14 his classroom while he had class.
- 15 Q But you saw her one-on-one with him. Does
- 16 that mean that his class wasn't in the room?
- 17 A Not always.
- 18 Q You indicated that you would see her
- 19 one-on-one with him in the morning before
- 20 homeroom, is that right?
- 21 A Yes.
- 22 Q The TV studio, was that near his science
- 23 room?
- 24 A No.
- 25 Q So that was a different part of the building?

1 A Yes.

2 Q Before homeroom, where would you see them

3 together one-on-one?

4 A Sometimes in his classroom, sometimes in the

5 back room, sometimes in the hallway.

6 Q And how was it -- well, tell me, if you can,

7 did you see him numerous times with her in

8 the back room?

9 A Several.

10 Q What were they doing? How did you happen to

11 be in the back room when they were in the

12 back room?

13 A Walked back to put something away, to look

14 for something. I kept movies back there,

15 things like that. It's a storage facility

16 for both of our classrooms.

17 Q When you would walk in, what would you

18 observe?

19 A Talking.

20 Q Well, how close were they?

21 A Side by side.

22 Q Did you ever see him with his hands on her?

23 A No.

24 Q Did you ever see him hug her?

25 MR. LANZILLO: In the storage room

1 or at any time?

2 MR. OLDS: Or anywhere.

3 MR. LANZILLO: Okay.

4 THE WITNESS: Probably.

5 Q Tell me what you thought about them being  
6 together one-on-one in the storage room.

7 A They were friends outside of school.

8 Q And how did you know that?

9 A He would tell me that.

10 Q So you talked to him about your observations  
11 of seeing him one-on-one with her?

12 A He talked to me about it.

13 Q So would that be when you walked in on them  
14 or would that be on other occasions?

15 A Usually possibly after I saw them together.

16 Q And this would be something that he would  
17 volunteer to you?

18 A Yes.

19 Q And tell me what he would say to you.

20 A He would tell me how close their family was  
21 with her family. He would tell me that they  
22 do things with the families together on the  
23 weekends. He had mentioned that they went --  
24 several things. I can remember a specific  
25 trip they went on one -- not a trip. I

1 shouldn't say trip. No trip. Local places  
2 that they would go on weekends.  
3 Q You indicated that you weren't social friends  
4 with him, is that right?  
5 A Correct.  
6 Q When he would come and tell you these kinds  
7 of things, would it make you wonder why is he  
8 telling me this?  
9 A No.  
10 Q And so you never wondered why he would be  
11 sharing that information with you?  
12 A No.  
13 Q Did you ever talk to Mr. Snyder about your  
14 observations of seeing them one-on-one?  
15 A Of seeing --  
16 Q S~~...~~ and Yarbenet together in the storage  
17 room or in his classroom alone.  
18 A No.  
19 Q You never mentioned that to Mr. Snyder?  
20 A No.  
21 Q Did you ever talk to Mr. Snyder at all about  
22 Gregory Yarbenet?  
23 A Yes.  
24 Q Tell me what you talked to him about.  
25 A That there were students in the back room,

- 1 many students often, loud, and that  
2 Mr. Yarbenet had put a bar across the  
3 cabinets that he adhered down with metal  
4 things, and that students would be hanging  
5 from that and just spend time in the back  
6 room, many students, many times. I had  
7 things back there that were worth value, and  
8 I didn't want them back there unsupervised.
- 9 Q How many times do you think that you talked  
10 to Mr. Snyder about that?
- 11 A Once or twice.
- 12 Q Did the school district sponsor any  
13 in-service or training on pedophilia?
- 14 A No.
- 15 Q In your experience learning how to become a  
16 teacher, you know, in your education, did you  
17 learn anything about the profile of a  
18 pedophile?
- 19 A Not off the top of my head.
- 20 Q Do you know anything about pedophiles?
- 21 A I do.
- 22 Q What do you know about pedophiles?
- 23 A That they prey on small children, young  
24 children.
- 25 Q But you don't know anything about the signs

1 that maybe you should look out for, for  
2 instance, as a teacher to know whether  
3 there's a pedophile on the staff?

4 A Specific signs? Do you want me to list  
5 specific signs?

6 Q Well, do you know any?

7 A That you would probably see them touching  
8 inappropriately, that they would try to  
9 coerce students to build trust in them, try  
10 to coerce students into inappropriate  
11 situations.

12 Q And how many years did you observe Yarbenet  
13 and S [REDACTED] in the back room alone  
14 together? What period of time did that span?

15 A Maybe year and a half.

16 Q Was S [REDACTED] in your -- you taught 8th grade  
17 science?

18 A Yes.

19 Q And so was she a student in your science  
20 class?

21 A Yes.

22 Q How was she as a student?

23 A Good.

24 Q Did Yarbenet ever come into your classroom  
25 while she was there and take her out of your

1 classroom?

2 A I honestly can't remember. I wouldn't let  
3 him take students from the classroom if he  
4 wanted any of them. I had issues with that.

5 Q What were your issues with that?

6 A It was my classroom time.

7 Q Did he frequently try to take students out of  
8 your classroom?

9 A I don't know if he did.

10 Q By any chance, do you recall what period you  
11 had S [REDACTED]?

12 A No.

13 Q And you don't recall whether she ever gave  
14 you a pass or asked you to be excused so she  
15 could be with Yarbenet?

16 A Many students did that.

17 Q And you wouldn't let that happen?

18 A No.

19 Q When you would see S [REDACTED] in his classroom --  
20 and I think you differentiated that sometimes  
21 she would be one-on-one with him in the  
22 storage room, right?

23 A Yes.

24 Q And then sometimes she would be one-on-one  
25 with him in his classroom, is that correct?



1 saw in that car?

2 A No.

3 Q When you walked into his room to use the room  
4 as a shortcut, did you ever walk in when the  
5 lights were off?

6 A Well, yes. He might not have even been there  
7 sometimes if I got there before him, you  
8 know.

9 Q What about when he was there with S■■■■■, did  
10 you ever observe him in the room with the  
11 lights off?

12 A Not with the lights off.

13 Q The door between his room and the hallway,  
14 was it ever covered with material so that it  
15 wasn't transparent, the glass?

16 A Yes.

17 Q What kind of things did you see covering the  
18 door?

19 A Posters.

20 Q Do you ever recall a time when your entrance  
21 either into the storage area or his classroom  
22 was obstructed?

23 A Obstructed how?

24 Q In other words, did you ever push on the  
25 door -- did you open the door into your

1 classroom or open the door into the storage  
2 room?

3 A Probably.

4 Q Which one?

5 A I mean, opening it into the storage room.

6 Q Did you ever approach the storage room door  
7 and find that it was obstructed so that it  
8 didn't open easily?

9 A Didn't open?

10 Q Easily.

11 A Probably.

12 Q Did you find out why it hadn't opened easily?

13 A Sometimes our doors when they open kind of  
14 lock each other (indicating).

15 MR. LANZILLO: The witness is  
16 motioning with her hands indicating, I  
17 believe, that the doors run into each other  
18 and collide.

19 THE WITNESS: Yes.

20 Q So if the door to his classroom were open,  
21 you might not be able to open the door from  
22 your classroom into the storage room easily  
23 without having contact between the two doors?

24 A Right.

25 Q On those occasions, did you ever experience

Case 1:04-cv-00150-SJM

Document 20

Filed 08/18/2005

Page 43 of 55

31

1 that situation when S[REDACTED] was in the storage  
2 room with Yarbenet?

3 A Not that I recall.

4 Q And I think that you indicated that you never  
5 saw L[REDACTED] A[REDACTED] in that storage room with  
6 Yarbenet?

7 A Never.

8 Q Did you ever see her one-on-one in his  
9 classroom?

10 A I didn't know who L[REDACTED] A[REDACTED] was until after  
11 all this. I wouldn't have recognized her  
12 from any other student.

13 Q Well, did you ever see him one-on-one with  
14 any other girls besides Stacy?

15 A I guess yes. I would have to say yes.

16 Q Who are the other girls?

17 A Nobody specific that I can remember, just the  
18 students.

19 Q One-on-one, though, alone?

20 A At the desk talking about something or  
21 walking through the hall from class to class,  
22 yes.

23 MR. OLDS: Just make this part  
24 confidential here.

25 (Whereupon, the transcript is

1 superintendent, Mr. Snyder, various questions  
2 regarding Mr. Yarbenet.

3 Q So that was the first that you learned that  
4 he had been arrested, when you had that  
5 meeting with Mr. Snyder?

6 A Yes.

7 Q There were two police officers there?

8 A Yes.

9 Q Were you given the chance to like call up  
10 your union representative or anything like  
11 that?

12 A No.

13 Q And so who conducted -- who all was present  
14 there? Was it Mr. Snyder?

15 A Mr. Blucas, Mr. Bucho and somebody else,  
16 another police officer. I can't recall who  
17 it was.

18 Q And have you ever seen the police officer's  
19 report of the statement that you gave?

20 A Yes. No, I haven't seen it.

21 Q Did you provide a written statement?

22 A I did.

23 MR. OLDS: Maybe we can mark that  
24 as an exhibit, since we did it generically,  
25 why don't we just call this Exhibit 2.

1 (Whereupon, Deposition Exhibit No.  
2 2 was marked for identification.)

3 MR. LANZILLO: Ed, what are you  
4 going to do, just all of your exhibits number  
5 sequentially from deponent to deponent?

6 MR. OLDS: Well, today I will just  
7 because I'm going to refer to Exhibit 1 with  
8 all of them. Just so it's not confusing.

9 Q Is this a statement that you wrote?

10 A It is.

11 Q One thing that you say in this statement that  
12 you wrote for the police, and I guess I'm  
13 about the fourth sentence down, you say, "I  
14 stated that Mr. Yarbenet had (what I  
15 considered to be) an inappropriate  
16 teacher-student relationship with her. By  
17 this I meant that I found it odd on several  
18 occasions to find them conferring or meeting  
19 behind closed doors before or after school in  
20 the room that connects both his and my room.  
21 I also discussed the fact that although I did  
22 find them in these uncomfortable situations,  
23 that I had never witnessed or believed that  
24 there was any physical inappropriateness  
25 involved. Mr. Yarbenet always seemed to

1           justify these actions by explaining that the  
2           families were close and that they were good  
3           friends," end quote.

4                           And so you wrote that, is that  
5           right?

6       A       I did.

7       Q       And when you wrote this, you indicated to the  
8           police that you thought it was an  
9           inappropriate teacher-student relationship?

10      A       In my definition.

11      Q       And what is that definition?

12      A       That he would put himself in a situation that  
13           I wouldn't.

14      Q       And you say you found it odd to find them  
15           conferring or meeting behind closed doors  
16           before or after school in the room that  
17           connects both his and my room. Is there like  
18           a table in that storage room or --

19      A       No.

20      Q       So they would just be in that room?

21      A       Standing, talking.

22      Q       So you did find that odd that they would be  
23           in that room as opposed to maybe his  
24           classroom, is that right?

25                           I mean, that was odd for them to be

1 in that room? You wrote it was odd. You  
2 say, "I found it odd on several occasions to  
3 find them conferring or meeting behind closed  
4 doors before or after school in the room that  
5 connects both his and my room." So you  
6 thought it was odd when you wrote this,  
7 right?

8 A Odd.

9 Q And did you think that it was odd when you  
10 observed it?

11 I mean, you thought it was odd when  
12 you wrote it. You didn't observe it when you  
13 wrote this document, Exhibit 2, you had  
14 observed it earlier, right?

15 A Correct.

16 Q So did you find it out odd when you had  
17 observed it?

18 A That's fair.

19 MR. OLDS: Let me mark this as  
20 Exhibit 3.

21 (Whereupon, Deposition Exhibit No.  
22 3 was marked for identification.)

23 Q This is a supplemental police report. This  
24 is a report that the police officer wrote,  
25 and I guess my first question would be have



Case 1:04-cv-00150-SJM Document 32-6

47

1           you ever seen this document before?

2       A       I haven't read it.

3       Q       But have you seen it?

4       A       I saw it.

5       Q       When did you see it?

6       A       On Monday.

7       Q       But you didn't read it or you haven't had

8           occasion to read it since then?

9       A       No.

10      Q       Aside from seeing this report on Monday, did

11           you look at any -- were you shown any other

12           documents on Monday?

13      A       No.

14      Q       So just this one?

15      A       I wasn't shown this.

16      Q       So you just saw it in the sense that, for

17           instance, it was held up and you could see

18           the sheet of paper?

19      A       Yes.

20      Q       And was this the only document in that

21           fashion that you saw or were shown when you

22           met with Mr. Lanzillo?

23      A       Yes.

24      Q       I would just have a couple questions here.

25           Your statement appears approximately maybe

1 halfway down or two-thirds of the way down  
2 where it says --

3 MR. LANZILLO: Let me enter an  
4 objection. This is not a statement. It is a  
5 report.

6 Q The report of your statement, and it begins  
7 at 1005, Ms. Robin Seneta was interviewed.  
8 Do you see that on that sheet of paper?

9 A I do. I do.

10 Q Let me just read this, and then I can ask you  
11 some questions, and this is obviously what  
12 the police officer is writing. He didn't ask  
13 you to sign this statement. The police  
14 officer wrote that you indicated that  
15 Yarbenet was in the room separating the two  
16 with the victim often. Do you think that you  
17 said that to the police officer who took this  
18 report?

19 A I doubt I said often.

20 Q But you did say you saw them together alone  
21 on numerous occasions here today?

22 A Several occasions.

23 Q In the room several occasions. On numerous  
24 occasions you saw them alone, is that what  
25 you said?

1 A I saw them together.

2 Q Alone together? The two of them alone  
3 together?

4 MR. LANZILLO: Are you asking what  
5 she said today?

6 MR. OLDS: Yes.

7 MR. LANZILLO: Objection. The  
8 testimony will speak for itself.

9 Q Do you recall saying that you observed them  
10 on numerous occasions alone together,  
11 one-on-one together?

12 A I saw them together.

13 Q On numerous occasions, is that right?

14 A I don't think I put a certain number to it.

15 Q Well, the record will speak for itself.  
16 You're quoted as saying --

17 MR. LANZILLO: Objection. She's  
18 not quoted at all.

19 Q The report says that you said, and I'm  
20 quoting the report, the two were very close.  
21 Close in that they were close together, end  
22 quote. Now, the report says that. Did you  
23 make some statement such as that to the  
24 police officer when he interviewed you?

25 A I said that they were close friends of the

1 family, that they had a close friendship.

2 Q So the language they were close together, you  
3 weren't talking about a physical -- do you  
4 recall whether you talked about seeing them  
5 physically close or close together when you  
6 --

7 A I recall them asking me if I ever thought  
8 they were physically close, and I did not see  
9 them in any physically close situation.

10 Q So in this report, you would say that the  
11 officer got it wrong when he wrote that you  
12 said, quote, the two were very close. Close  
13 in that they were close together, end quote.  
14 So today under oath, what you're doing is  
15 you're saying that you did not make that  
16 statement to the officer?

17 A I am saying that I said that they were close.

18 Q Were you talking about physically --

19 A No.

20 Q That you saw them physically close together?

21 A No.

22 Q But you did see them physically close  
23 together on many times, didn't you?

24 A I saw them standing side by side. Whether  
25 that's defined as physically close, I --

1 Q We'll let the testimony stand that you saw  
2 them standing side by side, and someone could  
3 make a decision whether that's close or not.

4 A Okay.

5 MR. LANZILLO: We should also let  
6 the witness finish her answers, too.

7 MR. OLDS: Okay.

8 Q The police officer reports you as saying,  
9 quote, Seneta indicated that when she entered  
10 she felt as if she were interrupting  
11 something, end quote. Did you say something  
12 to that effect to the police officer?

13 A Interrupting conversation.

14 Q So when he writes interrupting something,  
15 what you said was interrupting conversation,  
16 is that right?

17 A Correct.

18 Q That's what your recollection is today?

19 A Yes.

20 Q Did you feel that you were interrupting  
21 something when you entered into the room,  
22 into the storage room and you would find the  
23 two of them before school alone?

24 MR. LANZILLO: Objection to form.  
25 Conversation is something. If you're asking

1 her if it's something else --

2 MR. OLDS: Hey, you know what, you  
3 can object to form. Make your objection.  
4 Please don't make an argument on the record.  
5 Don't tell her how to answer the question.

6 MR. LANZILLO: I'm not, but  
7 objection to form.

8 MR. OLDS: Make your objection, and  
9 then let her answer the question.

10 THE WITNESS: Could you repeat the  
11 question?

12 MR. OLDS: Sure.

13 Q When you entered the room, the storage room  
14 and found them there alone in the morning, no  
15 one else there, did you feel that you were  
16 interrupting something?

17 MR. LANZILLO: Objection to form.  
18 Vague and ambiguous.

19 THE WITNESS: I was interrupting  
20 their conversation.

21 Q Did you feel uncomfortable when you entered  
22 that room and found them alone together? Did  
23 you feel uncomfortable when you entered that  
24 room and found them in there?

25 A Because I had walked in on their

1 conversation, yes.

2 Q And what we're talking about is the  
3 conversation of a 57-year-old man and a  
4 12-year-old girl, is that right? That's the  
5 conversation that we're talking about?

6 A Yes.

7 Q He was in his 50s, right?

8 A I guess. I don't know. He didn't have a  
9 birthday.

10 Q He quotes you as saying she felt that they  
11 had an inappropriate student-teacher  
12 relationship, and you wrote that yourself, so  
13 that quote is right, is that correct?

14 A Say that again.

15 Q He quotes you as saying that, quote, they had  
16 an inappropriate student-teacher  
17 relationship, end quote. He got your  
18 statement right when he wrote that, is that  
19 correct?

20 A Partially.

21 MR. LANZILLO: Objection to form.  
22 Nothing in this report is quoted. I will  
23 agree with you that the words inappropriate  
24 relationship appear in both documents.

25 MR. OLDS: Good.

1 Q And he reports, the police officer who made  
2 this report, states that you, quote --

3 MR. LANZILLO: You're quoting the  
4 record?

5 MR. OLDS: I'm quoting his record.

6 MR. LANZILLO: That's fine.

7 Q He says that you, quote, observed this  
8 activity every morning before homeroom, end  
9 quote. Did you tell him that you observed it  
10 every morning?

11 A No.

12 Q He says that you told him, the police  
13 officer, that when you, quote, entered the  
14 room, Yarbenet would always try to justify  
15 what they were doing, end quote. Did you  
16 make that statement to the officer that  
17 Yarbenet would always try to justify what  
18 they were doing?

19 A Not when I entered the room.

20 Q So it would be a different time when he would  
21 justify what he was doing, he would approach  
22 you at a different time and try to explain  
23 his conduct?

24 A He would approach me shortly after.

25 Q And as you look back on it, that didn't make